

Notice of Allowability	Application No.	Applicant(s)	
	10/659,125	BLACKMON ET AL.	
	Examiner	Art Unit	
	Ling-Siu Choi	1713	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--
 All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Amendment filed 08/15/2005.
2. ☒ The allowed claim(s) is/are 1,2,5,7 and 8.
3. ☒ The drawings filed on 23 January 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

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DETAILED ACTION

1. This Office Action is in response to the Amendment filed August 15, 2005. Claims 3-4 and 6 were canceled and claims 1-2, 5, and 7-8 are now pending.

Allowable Subject Matter

2. Claims 1-2, 5, and 7-8 are allowed.

3. The following is an examiner's statement of reasons for allowance:

The present claims are allowable over the closest reference: Morini et al. (EP 0 622 380 A1) and Morini et al. (WO 99/57160).

A polypropylene [99.5-100 wt % propylene content]	
	no peroxide residue
melt flow	about 300 g/10 min – about 400 g/10 min
xylene soluble	\leq about 3.5 %

(summary of claim 1)

Morini et al. (EP 0 622 380 A1) disclose a homopolymer of propylene, which has MFR of 1500 g/10 min and xylene insoluble of 97.2% (Example 2). Morini et al. further disclose “[t]he present invention concerns crystalline propylene polymers having MFR (Melt Flow Rate according to ASTM D 1238L) ranging from **600 to 2000 g/10 min**” (page 2, lines 1-3).

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However, Morini et al. do not teach or fairly suggest a polypropylene having a melt flow of from **about 300 g/10 min to about 400 g/10 min.**

Morini et al. (WO 99/57160) disclose a polypropylene having xylene insoluble of 97.2 (Example 8) or 97.0 (Example 10), which are obtained in the presence of a Ziegler-Natta catalyst system comprising (A) a catalyst component containing Mg, Ti, halogen, and **at least two internal electron donors** which are an ether containing at least two ether groups and an ester containing mono- or polycarboxylic acid, (B) an alkylaluminum compound, and optionally, (C) an external electron donor (abstract; claims 1-3 and 9). In view of the present invention, the catalyst used to prepare the polypropylene is different from one disclosed by Morini et al. due to the use of different system of electron donors (internal and external), which relates to the melt flow. Thus, the claimed melt flow can not be anticipated. Since there is no motivation to obtain polypropylene having such narrow range from about 300 g/10 min to about 400 g/10 min, the claimed melt flow is not obvious. In conclusion, Morini et al. do not teach or fairly suggest a polypropylene having a melt flow of from about 300 g/10 min to about 400 g/10 min.

In light of the above discussion, it is evident as to why the present claims are patentable over the prior art.

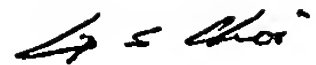
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

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4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ling-Siu Choi whose telephone number is 571-272-1098.

If attempt to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wu, can be reach on 571-272-1114.



LING-SUI CHOI
PRIMARY EXAMINER

August 20, 2005